

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 33, and 56 are independent. Claims 1, 33, 36 and 56 are amended hereby. Claims 32, 35, 55 and 58-68 have been canceled without prejudice or disclaimer.

Rejections Under 35 U.S.C. § 101

Claims 1-31, 33-54 and 58-67 stand rejected under 35 U.S.C. § 101. This rejection is respectfully traversed. Applicant has amended the claims in view of the rejection under 35 U.S.C. § 101. It is respectfully submitted that the Applicant's amendments address the Office's Section 101 concerns articulated in the current Office Action. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. § 101. The claim amendments have not been made for reasons related to patentability.

Rejections Under 35 U.S.C. § 102(e)/103(a)

Claims 1-31, 33-54 and 56-67 stand rejected under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent Publication No. 20050192963 to Tschiegg et al. (hereinafter "Tschiegg"). These rejections are respectfully traversed.

It is respectfully submitted that the rejection under 35 U.S.C. § 103(a) is improper. In particular, the instant Application and Application No. 10/411,912 (Tschiegg) were commonly owned by Employers Reinsurance Corp., also known as ERC-IP, LLC, at the time the invention of instant Application

10/815,099 was made. The foregoing statement is sufficient evidence to disqualify Tschiegg from being used in a rejection under 35 U.S.C. § 103(a) against the claims of the instant Application. See MPEP 706.02(I)(2). In particular, the foregoing portion of the MPEP states:

For example, an attorney or agent of record receives an Office action for Application X in which all the claims are rejected under 35 U.S.C. 103(a) using Patent A in view of Patent B wherein Patent A is only available as prior art under 35 U.S.C. 102(e), (f), and/or (g). In her response to the Office action, the attorney or agent of record for Application X states, in a clear and conspicuous manner, that:

"Application X and Patent A were, at the time the invention of Application X was made, owned by Company Z."

This statement alone is sufficient evidence to disqualify Patent A from being used in a rejection under 35 U.S.C. 103(a) against the claims of Application X.

Therefore, the rejection under 35 U.S.C. § 103(a) must be withdrawn.

Amended claim 1 of the present Application recites:

A method for managing recommendations using a computer system, comprising:

receiving *survey information from an individual serving a first role* pertaining to an aspect of an organizational entity, the survey information including at least one recommendation;

storing the survey information in a computer database associated with a storage medium;

receiving, via a user interface, *first recommendation information from an individual serving a second role*, the first recommendation information being based on the survey information received from the individual serving the first role;

storing the recommendation information in the computer database associated with the storage medium;

receiving, via the user interface, *second recommendation information from an individual serving a third role*, the second recommendation information being based on the first information received from the individual serving the second role;

storing the second recommendation information in the computer database associated with the storage medium; and

addressing said at least one recommendation based on the first and second recommendation information, the addressing of

said at least one recommendation including initiating a response to said at least one recommendation information. (Emphasis added.)

Tschiegg neither discloses nor suggests at least the emphasized "receiving" and "addressing" acts recited in claim 1. Applicant explains their reasoning for reaching this conclusion in the following.

In response to the Office's comments in the current Office, in connection with the Applicant's contentions traversing the rejections of record, Applicant provides the following additional comments.

Applicant maintains the position that Tschiegg does not suggest at least the "receiving" acts of claim 1. In the claim, recommendations are received from individuals serving in "first", "second" and "third" roles. Applicant further maintains that Tschiegg does not disclose "addressing" a recommendation in the manner recited by claim 1. Applicant does not dispute that Tschiegg discloses that recommendations may be shared between users through an interface and over a network. Moreover, Applicant does not dispute that recommendations may be shared based upon access and authority levels of accounts,..., or individuals. However, Tschiegg does not disclose or even hint from where the recommendations originated. Tschiegg only states that "recommendations may be shared..." Moreover, paragraph [0021] of Tschiegg does not disclose that the "recommendations" are "based on survey information received from the individual serving the first role," as is claimed in the second "receiving" act of claim 1.

And in addition, the Applicant highlights hereby that Tschiegg does not disclose the "addressing" act of claim 1. The "addressing" act initiates "response to said at least one recommendation information" based on "on the first and

second recommendation information." The Office asserts that this act is disclosed in paragraph [0029] of Tschiegg. However, this paragraph simply states that "data is particularly useful in providing recommendations to customers, and the system may also provide a reporting and tracking mechanism subject to one or both of recommendation fulfillment and recommendation rejection." This text discloses nothing that could be considered even similar to the "addressing" act of claim 1.

The Office maintains that the "receiving" acts are disclosed by Tschiegg. The Office maintains that the first "receiving" act of claim 1 is found in paragraphs [0013], [0016] and [0017] of Tschiegg, that the second "receiving" act is found in paragraph [0021], and that the third "receiving" act of claim 1 is found in the same paragraph that allegedly discloses the second "receiving" act. Applicant has carefully considered these paragraphs referenced by the Office, as well as the entirety Tschiegg, but was unable to find any disclosure that discloses or suggests the "receiving" acts of claim 1.

Regarding the first "receiving" act of claim 1, paragraph [0013] does not disclose "receiving *survey information from an individual serving a first role* pertaining to an aspect of an organizational entity, the survey information including at least one recommendation." That is, the indicated paragraph does not use the word "individual." Therefore, the paragraph also does not disclose an "individual serving a first role," or receiving "survey information" from an "individual serving a first role." Similarly, paragraphs [0016] and [0017] do not disclose the claim 1 subject matter "receiving survey information from *an*

individual serving a first role pertaining to an aspect of an organizational entity, the survey information including at least one recommendation."

Regarding the second "receiving" act of claim 1, paragraph [0021] does not disclose "receiving, via a user interface, *first recommendation information from an individual serving a second role*, the first recommendation information being based on the survey information received from the individual serving the first role." Paragraph [0021] discloses that "recommendations may be shared between users through the interface and over the network. By way of example, the recommendations may be shared based upon access and authority levels of accounts, divisions, locations, or individuals." However, the indicated paragraph does not disclose or even hint from where the "recommendations" originated. The paragraph only states that "recommendations may be shared..." Moreover, paragraph [0021] does not disclose that the "recommendations" are "based on survey information received from the individual serving the first role," as is claimed in the second "receiving" act of claim 1.

Regarding the third "receiving" act of claim 1, paragraph [0021] does not disclose "receiving, via the user interface, *second recommendation information from an individual serving a third role*, the second recommendation information being based on the first information received from the individual serving the second role." Paragraph [0021] discloses that "recommendations may be shared between users through the interface and over the network. By way of example, the recommendations may be shared based upon access and authority levels of accounts, divisions, locations, or individuals." However, the indicated paragraph does not disclose or even hint from where the "recommendations" originated.

The paragraph only states that "recommendations may be shared..." Moreover, paragraph [0021] does not disclose that the "recommendations" are "based on the first information received from the individual serving the second role," as is claimed in the third "receiving" act of claim 1.

Therefore, for at least the foregoing reasons, Tschiegg does not disclose or render the subject matter of claim 1 obvious. Accordingly, Applicant respectfully submits that the rejection should be reconsidered and withdrawn.

Claims 2-31 depend from claim 1 and the rejections with regard to those claims should be withdrawn by virtue of the dependency. Moreover, the dependent claims recite features that, when taken together with those of claim 1, are not disclosed or rendered obvious by Tschiegg.

Amended claim 33 of the present Application recites:

A recommendation management module for managing recommendations, comprising:

logic implemented by at least one computer device, the logic configured to:

receive *survey information from an individual serving a first role* pertaining to an aspect of an organizational entity, the survey information including at least one recommendation;

store the survey information in a storage medium;

receive, via a user interface, *first recommendation information from an individual serving a second role*, the first recommendation information being based on the survey information received from the individual serving the first role;

store the first recommendation information in the storage medium;

receive, via the user interface, *second recommendation information from an individual serving a third role*, the second recommendation information being based on the first recommendation information received from the individual serving the second role;

store the second recommendation information in the storage medium; and

sequentially provide a recommendation response report to the individual serving the second role and then to the individual

serving the third role via the user interface, wherein the recommendation response report includes input fields for receiving the first recommendation information from the individual serving the second role and the second recommendation information from the individual serving the third role. (Emphasis added.)

Tschiegg neither discloses nor suggests at least the emphasized "receive" and "sequentially" subject matter recited in claim 33. Applicant explains their reasoning for reaching this conclusion in the following.

In response to the Office's comments in the current Office, in connection with the Applicant's contentions traversing the rejections of record, Applicant provides the following additional comments.

Applicant maintains the position that Tschiegg does not suggest at least the "receive" subject matter of claim 33. In the claim, recommendations are received from individuals serving in "first", "second" and "third" roles. Applicant further maintains that Tschiegg does not disclose "sequentially" providing "a recommendation response" in the manner recited by claim 33. Applicant does not dispute that Tschiegg discloses that recommendations may be shared between users through an interface and over a network. Moreover, Applicant does not dispute that recommendations may be shared based upon access and authority levels of accounts,..., or individuals. However, Tschiegg does not disclose or even hint from where the recommendations originated. Tschiegg only states that "recommendations may be shared..." Moreover, paragraph [0021] of Tschiegg does not disclose that the "recommendations" are "based on survey information received from the individual serving the first role," as is claimed in the second "receive" portion of claim 33.

And in addition, the Applicant highlights hereby that Tschiegg does not disclose the "sequentially" recitation of claim 33. The "sequentially" recitation

provides "a recommendation response report to *the individual serving the second role and then to the individual serving the third role* via the user interface, wherein the *recommendation response report includes input fields for receiving the first recommendation information from the individual serving the second role and the second recommendation information from the individual serving the third role.*" The Office asserts that this subject matter is disclosed by various reports described by Tschiegg and paragraphs [0162] [0021], and [0045]. However, at least these portions of Tschiegg make no reference "sequentially" providing the claimed "recommendation response."

The Office maintains that the "receive" subject matter is disclosed by Tschiegg. The Office maintains that the first "receive" limitation of claim 33 is found in paragraphs [0013], [0016] and [0017] of Tschiegg, that the second "receive" limitation is found in paragraph [0021], and that the third "receive" limitation of claim 33 is found in the same paragraph that allegedly discloses the second "receive" limitation. Applicant has carefully considered these paragraphs referenced by the Office, as well as the entirety Tschiegg, but was unable to find any disclosure that discloses or suggests the "receive" limitations of claim 33.

Regarding the first "receive" limitation of claim 33, paragraph [0013] does not disclose "receive *survey information from an individual serving a first role* pertaining to an aspect of an organizational entity, the survey information including at least one recommendation." That is, the indicated paragraph does not use the word "individual." Therefore, the paragraph also does not disclose an "individual serving a first role," or receiving "survey information" from an "individual serving a first role." Similarly, paragraphs [0016] and [0017] do not

disclose the claim 33 subject matter "receive *survey information from an individual serving a first role* pertaining to an aspect of an organizational entity, the survey information including at least one recommendation."

Regarding the second "receive" limitation of claim 33, paragraph [0021] does not disclose "receive, via a user interface, *first recommendation information from an individual serving a second role*, the first recommendation information being based on the survey information received from the individual serving the first role." Paragraph [0021] discloses that "recommendations may be shared between users through the interface and over the network. By way of example, the recommendations may be shared based upon access and authority levels of accounts, divisions, locations, or individuals." However, the indicated paragraph does not disclose or even hint from where the "recommendations" originated. The paragraph only states that "recommendations may be shared..." Moreover, paragraph [0021] does not disclose that the "recommendations" are "based on survey information received from the individual serving the first role," as is claimed in the second "receive" limitation of claim 33.

Regarding the third "receive" limitation of claim 33, paragraph [0021] does not disclose "receive, via the user interface, *second recommendation information from an individual serving a third role*, the second recommendation information being based on the first recommendation information received from the individual serving the second role." Paragraph [0021] discloses that "recommendations may be shared between users through the interface and over the network. By way of example, the recommendations may be shared based upon access and authority levels of accounts, divisions, locations, or individuals." However, the

indicated paragraph does not disclose or even hint from where the "recommendations" originated. The paragraph only states that "recommendations may be shared..." Moreover, paragraph [0021] does not disclose that the "recommendations" are "based on the first information received from the individual serving the second role," as is claimed in the third "receive" limitation of claim 33.

Therefore, for at least the foregoing reasons, Tschiegg does not disclose or render the subject matter of claim 33 obvious. Accordingly, Applicant respectfully submits that the rejection should be reconsidered and withdrawn.

Claims 34-54 depend from claim 33 and the rejections with regard to those claims should be withdrawn by virtue of the dependency. Moreover, the dependent claims recite features that, when taken together with those of claim 33, are not disclosed or rendered obvious by Tschiegg.

Claim 56 of the present Application recites:

A system for managing recommendations using a computer system, comprising:

- a plurality of computer devices available to an individual serving a first role, an individual serving a second role, and an individual serving a third role;

- processing functionality communicatively coupled to the plurality of computer devices via a network, wherein the processing functionality includes:

- a database storage;

- a recommendation management module including:

- logic configured to receive, via one of the computer devices, *survey information from the individual serving the first role pertaining to an aspect of an organizational entity*, the survey information including at least one recommendation;

- logic configured to store the survey information in the database storage;

- logic configured to receive, via a user interface provided on one of the computer devices, *first*

recommendation information from the individual serving the second role, the recommendation information being based on the survey information received from the individual serving the first role;

logic configured to store the first recommendation information in the database storage;

logic configured to receive, via the user interface provided on one of the computer devices, second recommendation information from the individual serving the third role, the second recommendation information being based on the first recommendation information received from the individual serving the second role;

logic configured to store the second recommendation information in the database storage; and

logic configured to sequentially provide a recommendation response report to the individual serving the second role and then to the individual serving the third role via the user interface provided on one of the computer devices, wherein the recommendation response report includes input fields for receiving the first recommendation information from the individual serving the second role and the second recommendation information from the individual serving the third role. (Emphasis added.)

Tschiegg neither discloses nor suggests at least the emphasized logic related "receive" and "sequentially" subject matter recited in claim 56. Applicant explains their reasoning for reaching this conclusion in the following.

In response to the Office's comments in the current Office, in connection with the Applicant's contentions traversing the rejections of record, Applicant provides the following additional comments.

Applicant maintains the position that Tschiegg does not suggest at least the "receive" subject matter of claim 56. In the claim, recommendations are received from individuals serving in "first", "second" and "third" roles. Applicant further maintains that Tschiegg does not disclose "sequentially" providing "a recommendation response" in the manner recited by claim 56. Applicant does not dispute that Tschiegg discloses that recommendations may be shared

between users through an interface and over a network. Moreover, Applicant does not dispute that recommendations may be shared based upon access and authority levels of accounts,..., or individuals. However, Tschiegg does not disclose or even hint from where the recommendations originated. Tschiegg only states that "recommendations may be shared..." Moreover, paragraph [0021] of Tschiegg does not disclose that the "recommendations" are "based on survey information received from the individual serving the first role," as is claimed in the second "receive" portion of claim 56.

And in addition, the Applicant highlights hereby that Tschiegg does not disclose the "sequentially" recitation of claim 56. The "sequentially" recitation provides "a recommendation response report to *the individual serving the second role and then to the individual serving the third role* via the user interface, wherein the *recommendation response report includes input fields for receiving the first recommendation information from the individual serving the second role and the second recommendation information from the individual serving the third role.*" The Office asserts that this subject matter is disclosed by various reports described by Tschiegg and paragraphs [0162] [0021], and [0045]. However, at least these portions of Tschiegg make no reference "sequentially" providing the claimed "recommendation response."

The Office maintains that the "receive" and "store" subject matter is disclosed by Tschiegg. The Office maintains that the first logic "receive" limitation of claim 56 is found in paragraphs [0013], [0016] and [0017] of Tschiegg, that the second logic "receive" limitation is found in paragraph [0021], and that "logic configured to store" limitation of claim 56 is found in the same

paragraph that allegedly discloses the second logic "receive" limitation. Applicant has carefully considered these paragraphs referenced by the Office, as well as the entirety of Tschiegg, but was unable to find any disclosure that discloses or suggests the logic related "receive" and "store" limitations of claim 56.

Regarding the first "receive" limitation of claim 56, paragraph [0013] does not disclose "logic configured to receive, via one of the computer devices, *survey information from the individual serving the first role pertaining to an aspect of an organizational entity*, the survey information including at least one recommendation." That is, the indicated paragraph does not use the word "individual." Therefore, the paragraph also does not disclose an "individual serving the first role," or receiving "survey information" from an "individual serving the first role." Similarly, paragraphs [0016] and [0017] do not disclose the claim 56 subject matter "logic configured to receive, via one of the computer devices, *survey information from the individual serving the first role pertaining to an aspect of an organizational entity*, the survey information including at least one recommendation."

Regarding the second logic related "receive" limitation of claim 56, paragraph [0021] does not disclose "logic configured to receive, via a user interface provided on one of the computer devices, *first recommendation information from the individual serving the second role*, the recommendation information being based on the survey information received from the individual serving the first role." Paragraph [0021] discloses that "recommendations may be shared between users through the interface and over the network. By way of example, the recommendations may be shared based upon access and authority

levels of accounts, divisions, locations, or individuals." However, the indicated paragraph does not disclose or even hint from where the "recommendations" originated. The paragraph only states that "recommendations may be shared..." Moreover, paragraph [0021] does not disclose that the "recommendations" are "based on survey information received from the individual serving the first role," as is claimed in the second logic related "receive" limitation of claim 56.

Regarding the first logic related "store" limitation of claim 56, paragraph [0021] does not disclose "logic configured to store the first recommendation information in the database storage; logic configured to receive, via the user interface provided on one of the computer devices, *second recommendation information from the individual serving the third role*, the second recommendation information being based on the first recommendation information received from the individual serving the second role." Paragraph [0021] discloses that "recommendations may be shared between users through the interface and over the network. By way of example, the recommendations may be shared based upon access and authority levels of accounts, divisions, locations, or individuals." However, the indicated paragraph does not disclose or even hint from where the "recommendations" originated and where they are stored. The paragraph only states that "recommendations may be shared..." Moreover, paragraph [0021] does not disclose that the "recommendations" are "based on the first information received from the individual serving the second role," as is claimed in the first "logic configured to store" limitation of claim 56.

Therefore, for at least the foregoing reasons, Tschiegg does not disclose or render the subject matter of claim 56 obvious. Accordingly, Applicant respectfully submits that the rejection should be reconsidered and withdrawn.

Claims 57 depends from claim 56 and the rejections with regard to that claim should be withdrawn by virtue of the dependency. Moreover, the dependent claim recites features that, when taken together with those of claim 56, are not disclosed or rendered obvious by Tschiegg.

Conclusion

In accordance with the foregoing remarks, Applicant believes that the pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney at the provided email address or phone number.

Respectfully Submitted,

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